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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E-PASS TECHNOLOGIES, INC.,

No. C-00-2255 DLJ (EDL)

Related Cases

Plaintiff,

v.

3COM, INC. and PALM, INC.,

Defendants.

E-PASS TECHNOLOGIES, INC.,

No. C-03-4747 DLJ (EDL)

Related Cases

Plaintiff,

v.

VISA INTERNATIONAL SERVICE
ASSOCIATION and VISA U.S.A., INC.,

Defendants.

E-PASS TECHNOLOGIES, INC.,

No. C-04-0528 DLJ (EDL)

Related Cases

Plaintiff,

v.

PALMONE, INC., PALMSOURCE, INC.,
and HANDSPRING, INC.,

Defendants.

[PROPOSED STIPULATED] ORDER
ALLOWING JUDGMENT CREDITOR
ACCESS SYSTEMS AMERICAS, INC.
TO REGISTER THIS COURT'S
JUDGMENT IN OTHER DISTRICTS

[PROPOSED STIPULATED] ORDER ALLOWING
JUDGMENT CREDITOR ACCESS SYSTEMS AMERICAS, INC.
TO REGISTER THIS COURT'S JUDGMENT IN OTHER DISTRICTS
Case No. C-04-0528 DLJ (EDL)

ORIGINAL

On November 19, 2007, this Court entered judgment in favor of ACCESS Systems Americas, Inc. (formerly PalmSource, Inc.) ("ACCESS") awarding \$907,145.32 in fees and \$32,432.57 in costs. On June 16, 2008, this Court amended that judgment to award ACCESS the amount of \$939,577.82 in fees and \$32,432.57 in costs. Judgment Debtor E-Pass Technologies, Inc. ("E-Pass") has appealed both the judgment and the amended judgment. Both appeals are currently pending before the Court of Appeals for the Federal Circuit. ACCESS and E-Pass have indicated to the Court that E-Pass has not satisfied the judgment in whole or in part.

ACCESS and E-Pass have stipulated to entry of an order under 28 U.S.C. § 1963, permitting ACCESS to register the above-referenced judgments for enforcement in any other district court, prior to the time when the judgment has become final by appeal. Entry of such an order requires a showing of "good cause." 28 U.S.C. § 1963.

The averments of ACCESS and E-Pass provide good cause for the requested order. "Although there is no Ninth Circuit law defining 'good cause,' 'the courts that have found good cause have generally based their decisions on an absence of assets in the judgment forum, coupled with the presence of substantial assets in the registration forum.'" *Columbia Pictures Television, Inc. v. Krypton Broadcasting of Birmingham, Inc.*, 259 F.3d 1186, 1197-98 (9th Cir. 2001) (internal citations omitted). ACCESS and E-Pass have averred that E-Pass does not dispute that it lacks assets in California. ACCESS and E-Pass have averred that E-Pass does not dispute that it possesses at least one bank account in New York. ACCESS and E-Pass have averred that E-Pass does not dispute that E-Pass possesses at least one United States Patent. ACCESS and E-Pass have averred that E-Pass does not dispute that it possesses foreign patents that have not been specifically identified to ACCESS. Accordingly, the averments of the parties suggest the absence of E-Pass assets in California and the presence of E-Pass assets in certain other districts, and the parties stipulate, subject to this Court's approval, that ACCESS Systems

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**[PROPOSED STIPULATED] ORDER ALLOWING
JUDGMENT CREDITOR ACCESS SYSTEMS AMERICAS, INC.
TO REGISTER THIS COURT'S JUDGMENT IN OTHER DISTRICTS**

1 Americas, Inc. (formerly PalmSource, Inc.) may register this Court's judgment for enforcement
2 in any district other than the Central District of California by filing a certified copy of the
3 judgment in any such other districts.

SO STIPULATED

CISLO & THOMAS LLP

By: Daniel M. Cislo, Esq.
Kelly W. Cunningham, Esq.

Attorneys for Plaintiff
E-PASS TECHNOLOGIES, INC.

Dated: September 3, 2008

ROPP & GRAY LLP

By: Andrew T. Oliver, Esq.

Attorneys for Defendant
ACCESS SYSTEMS AMERICAS, INC.

Dated: September 1, 2008

ORDER

Therefore, upon consideration of the parties' joint submission, the Court

ORDERS

Pursuant to 28 U.S.C. § 1963, Judgment Creditor ACCESS Systems Americas, Inc. (formerly PalmSource, Inc.) may register this Court's judgment for enforcement in any district other than the Central District of California by filing a certified copy of the judgment in any such other districts.

SO ORDERED

Dated: September 9, 2008

By:

ELIZABE
United Sta

Judge Elizabeth D. Laporte

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